

**BARBERING & COSMETOLOGY EXAMINING BOARD  
MINUTES  
MADISON, WISCONSIN  
OCTOBER 4, 1999**

**PRESENT:** Bruce Bennett, Barbara Flaherty, Leon Lauer, Marville Martin, and Danny Trotter

**EXCUSED:** John Fahey, Lorraine Norem, and Toni Palermo

**STAFF PRESENT:** Clete Hansen, John Schweitzer, Jan Neitzel. Members of Division of Enforcement Staff and Darwin Tichenor were present for portions of the meeting.

**GUESTS:** Numerous guests

**CALL TO ORDER**

The meeting was called to order at 9:37 a.m. by Barb Flaherty, Chair, upon confirmation that the public notice was timely given. A quorum of 5 members was present.

**AGENDA**

The agenda was amended as follows: a. Practice Issues (#7) and Legal Counsel Review of Telephone Inquiries (#12) will be discussed consecutively. b. Under Legislative Update (b) was added to include legislation relating to applicants with felonies. Under administrative report a fifth item was added: vocational-technical system meeting.

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to approve the agenda as amended. Motion carried unanimously.

**MINUTES (8/2/99)**

**MOTION:** Bruce Bennett moved, seconded by Leon Lauer, to approve the minutes as written. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

**Secretary's Report**

Secretary Cummings was not available.

**Bureau Director's Report**

- 2000 Meeting Dates

The Board received a list of the 2000 meeting dates.

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to approve the meeting dates and times for the year 2000. Motion carried unanimously.

- September 1999 Roster

Clete Hansen requested the Board to make any necessary changes to the September 1999 roster.

- New Travel Agency

Clete Hansen explained the process for out-of-state travel arrangements.

Mr. Hansen advised the Board that any travel arrangements for board members should be made through Roxanne Peterson.

- To-Pass-Folder

Information was circulated in the To-Pass-Folder and duly noted.

- Vocational Technical System Meeting

Alfred Hall will participate in the curriculum review meetings conducted by the vocational-technical schools.

## **LEGISLATIVE UPDATE**

### **Status of Proposed Remedial Legislation Relating to Education Requirements for Barber, Cosmetologist, Barber Manager, Cosmetologist Manager, Aesthetician, Electrologist and Manicurist Licenses**

The Board received a copy of the draft LRB-0803/1, relating to educational requirements for issuing licenses.

The Board discussed the proposed change in the education requirement.

**MOTION:** Marville Martin moved, seconded by Danny Trotter, to accept the bill draft and to request introduction in the Legislature. Motion carried unanimously.

John Schweitzer stated that the proficiency test and the number of hours of education would not be affected by the change in the educational requirements.

### **Applicants who Have Committed Felonies**

The Board received a copy of rule draft LRB-3269/2, relating to licensing eligibility requirements. Noted.

The Board discussed the proposed change relating to applicants who have committed felonies.

**MOTION:** Bruce Bennett moved, seconded by Leon Lauer, to accept LRB-3269/2 changing “felonies relating to barber/cosmetology” to “felonies”. Motion carried unanimously.

Barbara Flaherty and Bruce Bennett agreed to be legislative point persons.

## **ADMINISTRATIVE RULES**

### **Proposed Language for Rule Change to Credit Salon Visits as Theory Hours (Second Draft)**

The Board received a copy of the September 30, 1999, memo from John Schweitzer, Board Legal Counsel, relating to giving theory hour credits for salon visits.

The Board received a copy of the September 22, 1999, letter from a barber/cosmetology instructor, relating to theory hours.

The Board discussed the proposed change to RL 62.11 which relates to crediting salon visits as theory hours.

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to change RL 62.11 by adding the word “structured” to (1)(L), to read “Except for structured salon visits.” Motion carried unanimously.

## **PRACTICE ISSUES**

### **Rationale for Requiring an Instructor’s License**

The Board discussed the licensing of instructors and requested Secretary Cummings to form a committee to address licensing of instructors. Board members, Barb Flaherty, Leon Lauer, and Bruce Bennett, volunteered to be on this committee. Public members, Penny Rushing, Jan Studesville, Brenda Gavinski, Dannette Weisman, Sue Kwik, and Pat Nickel, also volunteered to be on the committee.

### **Electrolysis-Do the Statutes and Rules Need to be Written?**

The Board discussed possible revisions to the scope of practice for electrologists and requested Secretary Cummings form an advisory committee to discuss the scope of practice.

The Board requested that the manicurist and aesthetician scope of practice be discussed by the advisory committee.

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, that the scope of practice for all specialty areas of barber/cosmetology be reviewed by the advisory committee. Motion carried unanimously.

The Board requested that the Regulatory Digest invite the public to be on the advisory committees.

### **Scope of Practice for Aestheticians**

The Board discussed waxing by aestheticians.

John Schweitzer, Legal Counsel, recommended a statutory change to include waxing by aestheticians.

**MOTION:** Bruce Bennett moved, seconded by Leon Lauer, to assure that aestheticians who wax will not be penalized by the Board. Motion carried unanimously.

The Board discussed the use of permanent dye on eyelashes. The Board requested an article be written in the Regulatory Digest stating that the use of permanent eyelash dye is unlawful according to state and federal law.

## **APPRENTICESHIP PROGRAM**

Nothing to report.

## **EXAMINATION ISSUES**

### **Apprentice Examination Statistics**

Nothing to report.

### **Manicurist Syllabus and Exam Content**

Nothing to report.

### **Barber/Cosmetology Exam**

Darwin Tichenor recommended forming a committee to review all of the barber/cosmetology exams. Mr. Tichenor requested the manager exam be reviewed at the December 6, 1999, meeting.

Mr. Tichenor will have the dates for upcoming exams at the December 6, 1999, meeting.

Bruce Bennett will visit a Madison exam site and Marville Martin will visit a Milwaukee exam site.

Darwin Tichenor stated there has been a slight increase in the pass rate since the combined scoring has been implemented. Mr. Tichenor will have the percentages for the December 6, 1999, meeting.

Mr. Tichenor will report on the status of requiring chemistry for manicuring licensure at the December 6, 1999, meeting.

## **DIVISION OF ENFORCEMENT**

### **Draft Forfeiture Grid**

The Board received a copy of the revised forfeiture grid and was advised of several changes.

**MOTION:** Leon Lauer moved, seconded by Marville Martin, to approve higher fines for owners than managers of establishments when assisting in unlicensed practice. Motion carried unanimously.

## **BOARD MEMBER ACTIVITY**

Nothing to report.

### **LEGAL COUNSEL REVIEW OF PHONE INQUIRIES**

#### **Microdermabrasion**

The board received a copy of the article by Laura Root related to microdermabrasion.

John Schweitzer recommended a scope of practice be written for microdermabrasion, a committee be formed to study the different aspects involved in the subject of microdermabrasion, and an article be written in the Regulatory Digest asking for volunteers for committee membership.

#### **Preliminary Discussion of Facial Peels**

The Board discussed facial peels and will discuss this more at the December 6, 1999, meeting.

The Board discussed the pros and cons of issuing restricted licenses to cosmetologists/or aestheticians to provide application of facial peels.

### **MISCELLANEOUS CORRESPONDENCE/INFORMATION**

#### **MethlMethacrylate Monomer, OPI**

The Board was advised that the test kits for MethlMethacrylate Monomer are no longer available and OPI has offered to test any samples.

#### **Hair Braiders Fight for the Right to Practice Their Craft**

The Board and public members discussed hair braiding and will discuss this further at the December 6, 1999, meeting.

#### **Trade School**

The Board received a copy of the **Wall Street Journal** Enterprise article "Trade School Owner Struggles for Respect and Profits."

### **NEW BUSINESS**

Nothing to report.

### **RECESS TO CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Marville Martin, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Board or the investigation of charges against such a person. Specifically,

to discuss the issue of case status reports, case closings, monitoring issues, deliberation on stipulations that may be signed after printing of the agenda, deliberation on proposed disciplinary actions that may be signed after printing of agenda, pending applications, apprentice requests for transfer, requests for appeal of denial, hearings on denied applications, and examination issues. Motion carried by a roll call vote: Bruce Bennett-yes; Leon Lauer-yes; Marville Martin-yes; Danny Trotter-yes; Barbara Flaherty-yes;

The Board deliberated on case closings, stipulations, and a proposed disciplinary action.

The Board received a copy of the September case status report.

Open Session recessed at 11:20 a.m.

### **CLOSED SESSION**

#### **ADJOURN CLOSED SESSION**

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to reconvene in Open Session at 11:59 a.m. Motion carried unanimously.

### **VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION**

#### **CASE CLOSINGS**

**MOTION:** Leon Lauer moved, seconded by Marville Martin, to close the following cases presented by the Division of Enforcement. Motion carried unanimously.

97 BAC 137	Jacqueline Ivory	Insufficient Evidence
97 BAC 137	Jesse Warren	Insufficient Evidence
97 BAC 137	Dennis Martin	Insufficient Evidence
97 BAC 137	Dilbert Taut	Insufficient Evidence
98 BAC 142	Elizabeth Kudronowicz	Prosecutorial Discretion
98 BAC 142	Betty Lou's Hair Designers	Prosecutorial Discretion
99 BAC 154	Clarence Price	No Violation
99 BAC 045	Lorraine Pellien	No Violation
99 BAC 045	Absolute Perfected Beauty	No Violation
98 BAC 090	Jillian Burke	No Violation
98 BAC 090	Cost Cutters	No Violation
98 BAC 018	Valerie Dickey	No Violation
98 BAC 018	Perfected Hair Studio	No Violation
99 BAC 032	Thanh Trung Duong	Insufficient Evidence
99 BAC 032	Tram Mai Le	Insufficient Evidence
99 BAC 018	Perfected Hair Studio	Insufficient Evidence
99 BAC 018	Terra M. Bluford	Insufficient Evidence
99 BAC 018	Valerie L. Dickey	Insufficient Evidence
99 BAC 018	Nicole Reed	Insufficient Evidence

98 BAC 090	Cost Cutters	No Violation
98 BAC 090	Jillian S. Burke	No Violation
98 BAC 127	Juana Williams	Administrative Closure
98 BAC 128	Santos M. Avila	Administrative Closure
99 BAC 031	Great Clips	Administrative Closure
99 BAC 031	Kristine M. Rucks	Administrative Closure
98 BAC 154	Clarence M. Price	Insufficient Evidence
99 BAC 034	Regis Corporation	Administrative Closure
99 BAC 065	En Vogue	Administrative Closure
99 BAC 065	Mabelene Jackson	Administrative Closure
98 BAC 151	Tan Express	No Jurisdiction
98 BAC 151	Laureen Frolika	No Jurisdiction
99 BAC 045	Absolute Perfect Beauty	No Violation
99 BAC 045	Lorraine K. Pellien	No Violation

### **STIPULATIONS**

**MOTION:** Leon Lauer moved, seconded by Danny Trotter, to accept the Stipulations, Findings of Fact, Conclusions of Law and Orders in the matters involving the following stipulations. Motion carried unanimously.

Samuel Baker, Jr. (Milwaukee, WI)  
 Nancy K. Vandervelde (Green Lake, WI)  
 Lazonnice Belton (Milwaukee, WI)  
 Joy Kolar-Schleicher (Merrill, WI)

### **DISCIPLINARY ACTIONS**

#### **Do Se Ho (West Allis, WI)**

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to accept the Stipulation, Findings of Fact, Conclusions of Law and Order in the disciplinary matters involving Do Se Ho. Motion carried unanimously.

### **ADJOURNMENT**

**MOTION:** Leon Lauer moved, seconded by Bruce Bennett, to adjourn the meeting at 12:02 p.m. Motion carried unanimously.